

The libel charged that the product was misbranded in that the name "Bromoline," borne on the carton container and in the circular, was false and misleading and that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "Lagrippe, Influenza and Neuralgia;" (in German) "Grippe, Neuralgie;" (circular) "For * * * Lagrippe * * * For * * * Neuralgia;" (in German) "Against * * * Attack of Grippe." The carton and circular contained similar statements in other languages.

On May 11, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16546. Adulteration and misbranding of Mendenhall's chill and fever tonic. U. S. v. 60 Dozen Bottles of Mendenhall's Chill & Fever Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23583. I. S. No. 01424. S. No. 1672.)

On April 5, 1929, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 dozen bottles of Mendenhall's chill and fever tonic, remaining unsold in the original bottles at St. Louis, Mo., alleging that the article had been shipped by the J. C. Mendenhall Medicine Co., from Evansville, Ind., on or about January 29, 1929, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of quinidine sulphate (6.32 grains per fluid ounce), extract of a laxative plant drug, glycerin, alcohol, sugar, water, and a trace of sodium benzoate.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, (carton, right panel) "Containing no * * * poisonous drugs and can be given to all classes of patients with perfect safety," (circular, page 1) "Contains no * * * dangerous drugs. [The preparation contained quinine sulphate which is a dangerous drug. The U. S. Pharmacopœia advised caution in the use of it.] Each fluid ounce represents eight grains of quinine strength [The preparation contains 6.32 grains per fluid ounce of quinidine sulphate. This amount is not equivalent to the strength of 8 grains of quinine];" (circular, page 4) "I noted on the circular that quinine strength."

Misbranding was alleged for the reason that the following statements, borne on the labels, were false and misleading: (Carton, right panel) "Containing no * * * poisonous drugs and can be given to all classes of patients with perfect safety;" (carton, left panel) "Take Mendenhall's Chill and Fever Tonic in Place of Quinine. * * * I have been practicing in Arkansas 20 years and constantly prescribe Mendenhall's Chill and Fever Tonic, where quinine is contra-indicated for children and adults with weak stomachs;" (carton, back panel) "Does not cause buzzing in the head, giddiness and deafness like ordinary quinine. Should always be taken where quinine is contra-indicated;" (bottle label, back panel) "Take The Chill Tonic At All Times in Place Of Quinine;" (circular, page 1) "Contains no * * * dangerous drugs;" (circular, page 3) "Mendenhall's Chill Tonic, without arsenic, should be taken in place of quinine;" (circular, page 4) "I noted on the circular the quinine strength." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, (bottle label, front panel, carton, front panel, and circular, page 1) "Chill and Fever Tonic," (shipping package) "Chill Tonic," (bottle label, under directions) "Slow fevers where the temperature rises daily and there is general lassitude and prostration * * * After the chills or fever are broken * * * For coughs * * * grippe, or flu * * * As a tonic for loss of appetite, general debility and malaria * * * Take the Chill Tonic at All Times in Place of Quinine," (carton, front) "For * * * Grippe or Flu," (carton, left panel) "Take Mendenhall's Chill and Fever Tonic * * * prescribe Mendenhall's Chill and Fever Tonic, where quinine is contra-indicated for children and adults with weak stomachs," (carton, back panel) "Chill and Fever Tonic, Biliousness, Jaundice, Loss of Appetite, General Debility, Coughs * * * Grippe or Flu," (carton, right panel) "Chill Tonic," (shipping package) "Chill Tonic

* * * Fever-Flu," (circular, page 1) "Chill and Fever Tonic * * * making at once the best treatment for * * * coughs * * * grippe or 'flu' * * * as a tonic for * * * general debility. The antiperiodic properties make it valuable in the treatment of measles or whooping cough in children and as a prophylactic agent against disease or infection * * * If the tonic is not at hand until near the time of an expected attack, double the dose and take every two hours as one or two large doses will usually prevent an attack. After the chills or fever are broken take * * * as a tonic * * * For coughs * * * grippe or 'flu,' whooping cough or measles in children and as a prophylactic against infection take the usual dose three times a day," (circular, page 2) "Persons suffering from * * * slow fevers, should take * * * chill tonic without arsenic," (circular, page 3) "I have been using Mendenhall's Chill & Fever Tonic * * * your tonic * * * other chill tonics failed to cure me of chills and fever. After taking the first dose I never had another attack. I have traveled all over the southern country and canal zone where the worst types of malaria, chills and fevers prevail and have warded off all attacks by taking an occasional dose. When I cured myself of chronic chills and fever * * * Mendenhall's is the only scientific treatment for intermittent fever or chills * * * No More Yellow Skin for Howett * * * I took one bottle Mendenhall's Chill & Fever Tonic, without arsenic * * * my skin is no longer yellow and the jaundiced look and * * * chills have left me. * * * as I feel that I am cured. Mendenhall's * * * quinine for * * * chills, fevers * * * 'flu' or grippe. * * * Improves the appetite, strength and condition of the blood. * * * My husband had a severe attack of 'flu,' coughed terribly * * * tried Mendenhall's Chill & Fever Tonic * * * He completely recovered in about ten days. Our family physician now uses your Chill & Fever Tonic," (circular, page 4) "I wish to testify to the wonderful merits of Mendenhall's Chill & Fever Tonic. I find it the best medicine on earth for chills and fever and teething children. I have used it for years when my children were ailing and puny, and have never been disappointed in the results. * * * Mendenhall's Chill & Fever Tonic, * * * I used * * * when I lived in Louisiana for chills and fever and teething children, with the best results. * * * The doctor gave up our baby boy to die of * * * and bowel trouble. Mendenhall's Chill & Fever Tonic cured him in the last stage," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that it was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of disease or the prevention thereof.

On June 6, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16547. Misbranding of Grip-Sules. U. S. v. 130 Boxes of Grip-Sules. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23467. I. S. No. 05035. S. No. 1601.)

On February 26, 1929, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 130 boxes of Grip-Sules, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by Kingsbury & Frick, from Oswego, Kans., on or about December 18, 1928, and transported from the State of Kansas into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the ingredients of the capsules included 1.56 grains of acetanilide, 0.36 grain of caffeine, a quinine compound, and a pungent drug, such as capsicum.

The article was labeled in part: (Circular) "There is nothing injurious or deleterious to the stomach or to your system;" (carton container) "Grip-Sules Relieves Flu-Influenza-LaGrippe * * * in less than six hours. * * * Your Flu, Grippe * * * indication usually starts with spells of sneezing with a weeping of the nostrils followed by feeling chilly. You should begin taking Gripsules at once. * * * Take one or two Gripsules every